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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,566	08/05/2003	Neil Tilbor	204-49	6977

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KEUSEY, TUTUNJIAN & BITETTO, P.C.
14 VANDERVENTER AVENUE, SUITE 128
PORT WASHINGTON, NY 11050

EXAMINER

ABDELWAHED, ALI F

ART UNIT PAPER NUMBER

3712

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,566

Applicant(s)

TILBOR ET AL.

Examiner

Ali Abdelwahed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-13 and 15-21 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,297,759 to Tilbor et al.

Tilbor et al. discloses a rotary aircraft and launching assembly, comprising: a launching platform (190) having a funnel-shaped portion (see fig. 6); a hub (20) having a cone-shaped portion (164) for being supported by the funnel-shaped portion of the launching platform during at least a launching of the rotary aircraft (see fig. 6); and a plurality of blades (34) extending generally outwardly from the hub for generating lift (see fig.1); at least one propulsion device (40) mounted to at least one of the plurality of blades (see figs.1-3), the at least one propulsion device having propellers (44); and at least one downrib (33) disposed on the at least one of the plurality of blades, proximate

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to the at least one propulsion device (see figs. 1, 3), for protecting at least the propellers of the at least one propulsion device from impact damage; and the at least one downrib is injection molded (see column 8, lines 4, 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilbor et al. in view of U.S. Patent No. 6,659,395 B2 to Rehkemper et al.

Tilbor et al. discloses the claimed invention except for the launching platform having a charging circuit for charging a rechargeable battery in the aircraft. However, Rehkemper et al. teaches an aircraft with a launching platform having a charging circuit for charging a rechargeable battery in the aircraft (see column 7, lines 24-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the aircraft of Tilbor et al., in view of Rehkemper et al., such that it would provide the aircraft of Tilbor et al. with the concept of the aforementioned limitation for the purpose of increasing the length of time a user may utilize the aircraft by continuously keeping the battery in the aircraft charged.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilbor et al.

Tilbor et al. discloses the claimed invention except for the launching platform can be separated into two portions. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the platform of Tilbor et al. to become separable into two portions, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tilbor et al. in view of U.S. Patent No. 6,425,794 B1 to Levy et al.

Tilbor et al. discloses the claimed invention except for at least one blade being partially releasable from the hub upon an impact so as to dissipate any impact forces imparted upon the blade and aircraft. However, Levy et al. teaches an aircraft comprising an impact-absorbing wing connection system to dissipate any impact forces imparted upon the wing and aircraft during an impact (see entire document). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the aircraft of Tilbor et al., in view of Levy et al., such that it would provide the aircraft of Tilbor et al. with the concept of having an impact-absorbing blade connection system for the purpose of dissipating any impact forces imparted upon the blade and aircraft during an impact.

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Allowable Subject Matter

Claims 7-13 and 15-21 are allowed.

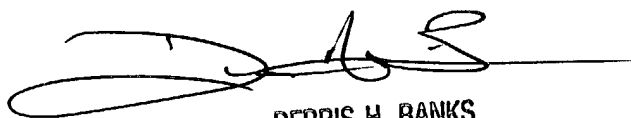
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA
03/04/2004

A handwritten signature in black ink, appearing to read 'D. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700